

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. CUSTOMS SERVICE
THE CIVIL AIR PATROL, INC. AND
THE CIVIL AIR PATROL-UNITED
STATES AIR FORCE**

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THE CIVIL AIR PATROL, INC. AND
THE CIVIL AIR PATROL-UNITED STATES AIR FORCE
Amendment One - 1 Sep 1997**

A. PURPOSE: The purpose of this Memorandum of Understanding (MOU) is to define and establish methods for cooperation between the U.S. Customs Service of the Department of the Treasury (USCS), the Civil Air Patrol, Inc., (CAP), and the Civil Air Patrol-U.S. Air Force (CAP-USAF). This MOU replaces the original agreement signed 14 November 1985.

B. MISSION DESCRIPTION: CAP agrees to provide aircraft, aircrews, and other personnel to assist USCS in aerial reconnaissance for detection of illicit drug traffic within the United States, its territories, and possessions. Attachment 1 lists potential activities that CAP can perform for USCS.

1. All missions under this MOU are flown by CAP as noncombat missions of the Air Force during which CAP, for civil liability purposes, is deemed to be an instrumentality of the United States under 10 U.S.C. 9441. Each CAP mission in support of the USCS must be accompanied by a mission number which invokes this instrumentality status. CAP-USAF authorizes CAP to issue mission numbers to the USCS for the USCS's use of CAP as appropriate. The prohibitions against Air Force involvement in civil law enforcement activities are applicable to CAP members during the performance of missions contemplated under this memorandum.

2. **LIMITATIONS:** Missions performed under this MOU are limited as follows:

a. CAP's participation with USCS is restricted to aerial reconnaissance, transportation, and communications support.

b. CAP may engage in the reconnaissance of property but may not engage in the surveillance of persons.

c. CAP members may not be deputized and will not be armed while supporting this mission. CAP members may not physically participate in arrest or detention procedures, or the search and seizure of evidence. CAP cadets and ground teams will not participate in any mission performed under this MOU.

d. Federal agency personnel, state, and local law enforcement officials are authorized to fly aboard CAP aircraft in support of missions under this MOU.

e. Prior to engaging in operational missions under this MOU, CAP members must receive an orientation briefing on the nature and potential dangers of the mission and responsibilities and restrictions for carrying out the mission. After receiving this orientation, each CAP member signs a statement of understanding/nondisclosure agreement as to the nature of such missions.

f. The USCS reserves the right to screen and approve or disapprove CAP members who apply to engage in such missions. Rescreening currently is accomplished every two years and will be continued as determined by USCS.

g. Support is provided only "if available" as determined by the local CAP Wing Commander. Actual emergency services missions and other Air Force missions have priority over missions flown pursuant to this MOU.

C. COMMAND AND CONTROL: Command and control of CAP resources remain within CAP at all times. Flight operations will be conducted in accordance with CAP directives. Any party to this MOU may suspend a mission in the event unsafe operational conditions exist.

D. COORDINATION:

1. Supporting CAP forces shall be identified/established by CAP in coordination with USCS. Written operating procedures will be established by the parties to implement this MOU.

2. The parties to this agreement will coordinate all matters pertaining to this agreement and matters affecting routine missions through the following points of contact: HQ CAP-USAF/XO, Maxwell AFB, AL; USCS National Aviation Center, Oklahoma City, OK; and HQ CAP/DOC, Maxwell AFB, AL. Copies of all applicable correspondence and reports will be furnished to all points of contact listed in this MOU.

3. USAF mission numbers will be issued by HQ CAP/DOC to USCS on an as needed basis. USCS must approve the use of CAP resources and assign mission numbers before any mission is launched. Mission numbers assigned by the USCS are only for operational missions. Training missions must be approved and mission numbers issued by HQ CAP/DOC.

E. REIMBURSEMENT:

1. Congress has provided appropriated funds to CAP through the Air Force earmarked for CAP counterdrug support of other Federal agencies. CAP may be reimbursed from these appropriated funds for the following expenses in support of the CAP/USCS missions:

(a) Fuel and oil (aviation and automotive gasoline).

(b) Commercial communications expenses.

(c) Aircraft maintenance.

(d) Per Diem and travel, as appropriate.

(e) Administrative expenses.

(f) Required mission equipment.

Requests for reimbursement will follow CAPR 173-3 procedures.

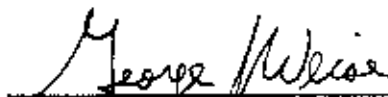
2. In future fiscal years, if Congress does not provide designated Counterdrug mission funding to CAP through the U.S. Air Force, if upon 90 days notice that funding may be required, and if funding is available within its current appropriation, Customs may agree to provide funding if it desires continued CAP support.

F. ADMINISTRATIVE CLAIMS: All Federal Tort Claims Act (FTCA) claims filed by state and local law enforcement officials arising from missions flown under this memorandum shall be processed by USCS in accordance with their administrative claims procedures. All other third party claims and Federal Employee Compensation ACT (FECA) claims by CAP members will be processed through HQ CAP-USAF/JA.

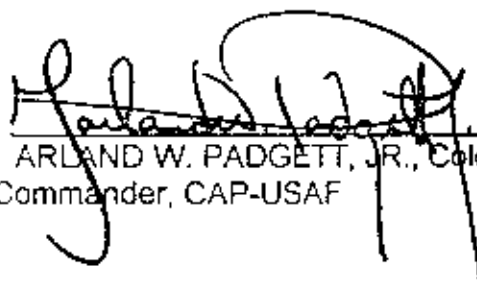
G. EFFECTIVE DATE AND TERMINATION PROCEDURES: This revised MOU shall be effective from the date it has been executed by representatives of all parties. Any party may terminate this MOU by providing a written notice 60 days in advance to the other parties. The provisions of this MOU may be amended at any time upon mutual agreement of the parties.



PAUL M. BERGMAN
Brigadier General, CAP
National Commander



George J. Weis
Commissioner
United States Customs Service



ARLAND W. PADGETT, JR., Colonel, USAF
Commander, CAP-USAF

CAP MISSIONS FOR U.S. CUSTOMS SERVICE

Note: The following is a suggested list of some of the ways that CAP can be employed by USCS. It is not meant to be exclusive or limiting. Other missions may be performed as identified and agreed to by the partners of this memorandum of understanding.

- Transportation of agents, informants, evidence, witnesses, confiscated items, etc.
- Aerial reconnaissance of potential drug operations.
 - Searches to locate and map clandestine and abandoned airfields.
 - Identify and photograph airfields.
 - Cataloguing clandestine airfields.
 - Search for vehicular and human activity in isolated areas known to be utilized by drug traffickers.
 - Aerial reconnaissance for illegal drug activity.
 - Aerial reconnaissance associated with marine operations.
 - Periodic checks of dry lake beds used as airfields.
 - Routine patrol of coastal areas to identify and report suspicious activity.
 - Aerial reconnaissance of border crossing areas.
- Recurring or periodic airport ramp checks.
- Serving as an aerial communications platform for USCS operations in remote areas.
- Distributing "Drug Awareness" information.
- Directing law enforcement personnel to crash sites of drug-laden aircraft.
- Training - Customs Service can use CAP resources to train their personnel or other law enforcement personnel in use of airborne assets.
- Supporting the educational efforts and initiatives of the Drug Czar.